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11 | Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

15 IN RE: BEXTRA AND CELEBREX ) MDL CASE NO.: 05-CV-1699  
16 MARKETING SALES PRACTICES AND )  
17 PRODUCT LIABILITY LITIGATION )  
18 BARLOW, et al., ) CASE NO. CGC-06-449081  
19 ) MDL Case No. 06-1964 CRB  
20 Plaintiffs, ) STIPULATION AND ORDER OF  
21 vs. ) DISMISSAL WITH PREJUDICE  
22 PFIZER, INC., et al. ) AS TO PLAINTIFF EMOGENE LINCOLN  
23 Defendants. )

26 COME NOW, Plaintiff EMOGENE LINCOLN and Defendants PFIZER, INC., et al., by  
27 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

1 and hereby stipulate to the dismissal of Plaintiff EMOGENE LINCOLN from this action, with  
2 prejudice, each side bearing its own attorney's fees and costs.  
3

4 Respectfully submitted,  
5

6 Dated: September 29, 2009  
7

**KABATECK BROWN KELLNER LLP**

8 By: \_\_\_\_\_  
9 Brian S. Kabateck, Esq.  
10 Attorneys for Plaintiff EMOGENE LINCOLN

11 Dated: October 27 , 2009  
12

**DLA PIPER LLP**

13 By: \_\_\_\_\_  
14

/S/

Matthew A. Holian  
15 Attorney for Defendants PFIZER, INC., et al.  
16

**ORDER**

18 PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS  
19 SO ORDERED.

20 Dated: OCT 29 2009

21 Honorable Charles R. Breyer  
22 United States District Court  
23